

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14703 of the Board of Trustees of the Corcoran Gallery of Art, pursuant to 11 DCMR 3108.1 and 3107, for a special exception under Section 508 to allow the addition of an office building with accessory parking to an existing art gallery and variances from the floor area ratio requirements (Sub-section 531.1), the maximum distance allowed from a point where a court niche is less than 3 feet wide formed by a semi-circular bay and an adjacent property line (Sub-section 536.8), the minimum width and area requirements of a closed court (Sub-section 536.1) in an SP-2 District at premises 500-530 - 17th Street, N.W., (Square 171, Lot 34).

HEARING DATE: December 9, 1987
DECISION DATE: January 6, 1988

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (John G. Parsons, Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill). The Board GRANTED a MODIFICATION of Plans by a vote of 4-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to approve; John G. Parsons not present, not voting).

FINAL DATE OF ORDERS: April 29, 1988 and January 19, 1990

ORDER

The Board granted the application by its Order dated April 29, 1988, subject to the following conditions:

1. Construction shall be in accordance with the plans marked as Exhibit No. 10, as modified by Exhibit No. 21 and 23A of the record.
2. That ingress and egress to the garage be controlled by a traffic light system allowing orderly passage of vehicles through the area.

By its Order dated January 19, 1990, the Board approved a revised modification of the originally approved plans which resulted in the relocation of the western wall of the project and the addition of a new garage entrance to the east of the originally approved entrance. The applicant sought that proposed modification of plans in order to preserve its development options in the face of prolonged litigation related to the project.

On June 27, 1991, counsel for the applicant requested the Board to waive its six month filing requirement to accept a motion for further modification of the originally approved plans. The request for waiver of the six month filing requirement results from the extended procedural history of the case created by legal challenges to the project at the Board level and in the court system. The Board granted the request to waive its Rules to accept the request for modification of plans at its public meeting of July 10, 1991.

The requested modification of plans would relocate the western wall of the project to its original location as approved by the Board's Order dated April 29, 1988. The requested modification is a result of a settlement agreement between the parties, dated March 14, 1990. No further changes to the plans approved by the Board and marked as Exhibit No. 39A of the record are proposed. There was no opposition to the proposed modification of plans.


Upon consideration of the motion, the record in the application, and its final order, the Board concludes that the proposed modification of plans is minor in the nature. The applicant needs no further relief from the Board. The material facts the Board relied upon in granting the application are still relevant. It is therefore **ORDERED** that the **MODIFICATION of PLANS** is **APPROVED** and that the plans marked as Exhibit No. 43A of the record shall be substituted for those originally approved by the Board. In all other respects, the orders dated April 29, 1988, and January 19, 1990 shall remain in full force and effect.

DECISION DATE: July 10, 1991

VOTE: 3-0 (John G. Parsons, Charles R. Norris and Carrie L. Thornhill to approve; Paula L. Jewell not present, not voting; Sheri M. Pruitt not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



EDWARD L. CURRY
Executive Director

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FINAL DATE OF ORDER: _____

AUG 16 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14703Order/SS/bhs

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BZA APPLICATION NO. 14703

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 16 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Christopher H. Collins, Esquire
Wilkes Artis Hedrick & Lane
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Washington, D.C. 20006

Benny L. Kass
1050 - 17th Street, N.W., #1100
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Edward T. Kelly, Chairperson
Advisory Neighborhood Commission 2A
1920 G Street, N.W., #100
Washington, D.C. 20006

A handwritten signature in black ink, appearing to read "ELC", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: AUG 16 1991

14703Att/bhs